

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DUSTIN DUGAN, *et al.*,

Plaintiffs,

v.

Case No. 2:12-cv-811  
JUDGE GREGORY L. FROST  
Magistrate Judge King

KEVIN STARRETT, *et al.*,

Defendants.

**ORDER**

On October 31, 2014, Plaintiffs filed a notice of voluntary dismissal without prejudice of all claims against Central Ohio Drug Task Force. (ECF No. 90.) Plaintiffs purport to take this action under Federal Rule of Civil Procedure 41; however, the Sixth Circuit has held that Rule 41 is confined to the dismissal of an entire *action* and cannot provide a mechanism through which select parties or claims can be dismissed. *Letherer v. Alger Group, L.L.C.*, 328 F.3d 262, 266 (6th Cir. 2003), *recognized as overruled on other grounds in Blackburn v. Oaktree Capital Mgmt., LLC*, 511 F.3d 633, 636 (6th Cir. 2008); *see also AmSouth Bank v. Dale*, 386 F.3d 763, 778 (6th Cir. 2004) (citing *Letherer*); *Coleman v. Ohio State Univ. Med. Ctr.*, No. 2:11-cv-49, 2011 WL 3273531, at \*6 (S.D. Ohio Aug. 1, 2011).

Recognizing that filings are to be construed by their substantive content and not by their labels, the Court will construe the motion as one under Federal Rule of Civil Procedure 21. This Court, therefore, **GRANTS** the motion and **DISMISSES WITHOUT PREJUDICE** all claims against Defendant Central Ohio Drug Task Force.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE